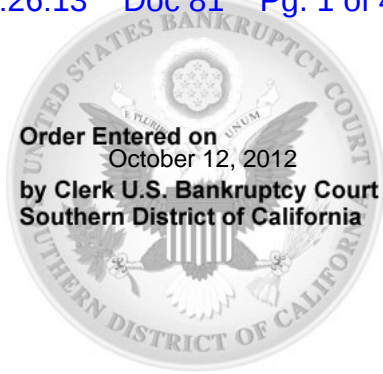


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**UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA  
325 West "F" Street, San Diego, California 92101-6991

In Re

JOSE L. VALDEZ and  
ERNESTINA VALDEZ,

Debtor.

BANKRUPTCY NO. 11-11756-LA13

Date of Hearing: 10/10/2012

Time of Hearing: 1:00 p.m.

Name of Judge: James W. Meyers

**ORDER GRANTING DEBTOR'S MOTION TO VALUE REAL PROPERTY,  
TREAT CLAIM AS UNSECURED AND AVOID JUNIOR LIEN OF**

LOAN CORRESPONDENTS INC. dba CAPITAL FUNDING GROUP AND/OR

BSI FINANCIAL SERVICES, INC.

*(Affected Lien Holder)*

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through 3 with exhibits, if any, for a total of 4 pages, is granted. Motion/Application Docket Entry No. 72

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DATED: October 12, 2012

\_\_\_\_\_  
Judge, United States Bankruptcy Court

The Motion was filed in connection with confirmation of the Debtor's Chapter 13 Plan dated 7/9/2012  
("Plan"), to value and avoid the junior deed of trust, mortgage or other encumbrance of LOAN CORRESPONDENTS  
INC. dba CAPITAL FUNDING GROUP AND/OR BSI ("Affected Lien Holder"), recorded on June 1, 2007  
FINANCIAL SERVICES, INC.  
as instrument number 2007-0373578 in the official records of San Diego County  
("Affected Lien") encumbering the real property commonly known as: 516 Wild Horse Lane, San Marcos, CA 92078  
and more fully described as (Insert legal description or attach exhibit) [See Attached Page.]  
("Property").

Associated Claim:

- ☐ The Affected Lien Holder filed a proof of claim on \_\_\_\_\_ assigned Claim No. \_\_\_\_\_, which  
is associated with the Affected Lien ("Claim"); or
- ☒ As of the date of this Order, Affected Lien Holder has not filed a proof of claim associated with the Affected  
Lien.

The Court having reviewed the Motion and supporting documents, finds that:

1. Service of the Motion on the Affected Lien Holder appears to comply with Fed. R. Bankr. P. 7004 because it  
was accomplished as follows:

- ☒ By certified mail addressed to a specifically named officer of the Affected Lien Holder under Rule 7004(h);
- ☐ Upon an individual under Rule 7004(b)(1);
- ☐ Upon a domestic or foreign corporation or upon a partnership or other unincorporated association under  
Rule 7004(b)(3);
- ☐ Other: \_\_\_\_\_

2. The Motion was: ☒ Unopposed ☐ Opposed ☐ Settled by Stipulation

3. The Property is valued at no more than \$ 310,000.00 ;

4. The total balance owing on the deeds of trust, mortgages or other liens encumbering the Property which are  
senior in priority to the Affected Lien is \$ 546,146.23 , which exceeds the value of the Property and the

Affected Lien is wholly unsecured.

Therefore, the Claim may be satisfied through the Plan as an unsecured claim pursuant to 11 U.S.C. §§ 506(a) and 1322(b)(2);

IT IS ORDERED THAT:

1. The Claim will be paid pursuant to the Plan as a non-priority general unsecured claim to the extent allowed. If Affected Lien Holder has not filed a proof of claim, and the deadline to file unsecured claims has expired, Affected Lien Holder has an extension of the deadline until 60 days after the date of entry of this Order;

2. Upon completion of payments under the confirmed Plan and entry of the resulting discharge, the Affected Lien will be deemed fully satisfied, and Affected Lienholder is required to reconvey and release the Affected Lien. If the Affected Lien Holder fails to release the Affected Lien within the time required by applicable state law, the Debtor may file a motion requesting an order to extinguish the Affected Lien;

3. If this case is dismissed or converted to Chapter 7, the Affected Lien Holder shall retain its lien for the full amount due under the corresponding note;

4. That Debtor's counsel is authorized to add, in connection with Plan Confirmation, the guideline fee as reflected in the Rights and Responsibilities Statement for motions of this type and costs subject to proof. This determination is without prejudice to Debtor's counsel's right to seek additional fees through fee application.

5. Additional provisions:

None.

**LEGAL DESCRIPTION OF PROPERTY**

LOT 5 OF ROYAL RANCHO, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 8248, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 28, 1976.

A. P. N.: 217-192-24-00